

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IRENE MARTINEZ HERRERA,

Plaintiff,

7:23 Civ. 10326 (PMH)

- against -

~~**AMENDED PROPOSED**~~  
**DEFAULT JUDGMENT**

LDJ CONTRACTING, LLC and  
LUIS DEJESUS

Defendants.

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WHEREAS, the Summons and Complaint in this action having been served on Defendants LDJ CONTRACTING, LLC and LUIS DEJESUS (collectively, “Defendants”) pursuant to the Federal Rules of Civil Procedure, and the time for the Defendants to appear or answer having expired, and Plaintiff IRENE MARTINEZ HERRERA (“Plaintiff”) having moved pursuant to Fed. R. Civ. P. 55 and SDNY Local Rule 55.2 by Order to Show Cause dated April 1, 2025 for an order of default and entry of default judgment against Defendants (the “Motion”); and

The Defendants having failed to answer to the Motion; and

The Honorable Philip M. Halpern having granted the Motion during an Inquest Hearing on July 2, 2025, as stated on the record, it is hereby

**ORDERED and ADJUDGED** that Defendants are liable to Plaintiff for the following causes of action:

1. Overtime wage violations under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (“FLSA”);
2. Overtime wage violations under New York Labor Law § 650 et seq. (“NYLL”);
3. Failure to provide wage notice and statements pursuant to § 195 of the NYLL;
4. Race discrimination in violation of 42 U.S.C. § 1981 (“Section 1981”);
5. Race discrimination in violation of 42 U.S.C. §§ 2000e - 2000e17 (“Title VII”);

6. Race discrimination in violation of NY Exec Law § 296 et. seq (2015) (“NYSHRL”);
7. Retaliation in violation of Section 1981;
8. Retaliation in violation of Title VII; and
9. Retaliation in violation of NYSHRH.

**ORDERED and ADJUDGED** that Plaintiff have judgment, running jointly and severally, against Defendants in the following amounts:

- i. Unpaid Overtime Wages: \$2,160.00;
- ii. Liquidated Damages as to Unpaid Overtime Wages: \$2,160.00;
- iii. Wage Notice Violations: \$5,000.00;
- iv. Pay Stub Violations: \$5,000.00;
- v. Backpay as to Retaliation Claims: ~~\$46,345.28~~ <sup>\$52,185.28</sup>;
- vi. Emotional Distress Damages as to Discrimination Claims: \$30,000.00;
- vii. Prejudgment Interest on Total Award for Wage and Hour Claims (\$14,320.00) at 9% per annum (~~\$3.00~~ <sup>53</sup> daily), from May 8, 2021 to the date this judgment is entered, amounting to \$ 5,379.72;
- viii. Prejudgment Interest on Total Backpay Award ~~(\$46,345.28)~~ <sup>\$52,185.28</sup> at 9% per annum (~~\$11.43~~ <sup>\$12.87</sup> daily) from the midpoint between Plaintiff’s date of termination, August 13, 2022, to the date this judgement is entered, amounting to \$ 6,447.87;
- ix. Post-judgment interest based on the federal rate set forth in 28 U.S.C. § 1961;
- x. Attorneys’ Fees: \$8,520.00; and
- xi. Costs: \$823.00.

amounting in all to \$ 117,675.87.

Dated: New York, New York  
July 10, 2025

  
 Hon. Philip M. Halpern, U.S.D.J.